
STAFF REVIEW

Variance Case #: V2014-52 **Legistar #:** 20141117

City Council Hearing: Wednesday, November 12, 2014 – 7:00 p.m.

Property Owner: David Haddle
Hubert Properties, LLLP
805 Kennesaw Avenue, Unit #2
Marietta, GA 30060

Applicant: Mr. Jon Campbell, Regional V.P.
CBS Outdoor, LLC.
3745 Atlanta Industrial Drive, N. W.
Atlanta, GA 30331

Agent: Scott W. Peters
Schreeder, Wheeler & Flint, LLP
1100 Peachtree Street, N.E.
Suite 800
Atlanta, GA 30309-4516

Address: 121 Freys Gin Road

Land Lot: 12390 **District:** 16 **Parcel:** 0160

Council Ward: 7A **Existing Zoning:** CRC (Community Retail Commercial)

Special Exception / Special Use / Variance(s) Requested:

1. Variance to allow a digital billboard without required panel exchange. [*§714.04(F.13)*]
2. Variance to increase an LED sign face from 400 sq. ft. to 672 sq. ft. [*§714.04(F.15)*]

Statement of Fact

As per section 720.03 of the Comprehensive Development Code of Marietta, the Board of Zoning Appeals may alter or modify the application of any such provision in the Development Code because of unnecessary hardship if doing so shall be in accordance with the general purpose and intent of these regulations, or amendments thereto, and only in the event the board determines that by such alteration or modification unnecessary hardship may be avoided and the public health, safety, morals and general welfare is properly secured and protected. In granting any variance the board of zoning appeals shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of these regulations and may designate conditions to be performed or met by the user or property owner, out of regard for the public health, safety, comfort, convenience, and general welfare of the community, including safeguards for, with respect to light, air, areas of occupancy, density of population and conformity to any master plan guiding the future development of the city. The development costs of the applicant as they pertain to the strict compliance with a regulation may not be the primary reason for granting a variance.

Criteria:

1. Exceptional or extraordinary circumstances or conditions *are/are not* applicable to the development of the site that do not apply generally to sites in the same zoning district.
2. Granting the application *is/is not* necessary for the preservation and enjoyment of a substantial property right of the applicant, and to prevent unreasonable property loss or unnecessary hardship.
3. Granting the application *will/will not* be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety, or general welfare.

PICTURES



South-facing (LED) panel – 121 Frey's Gin Road



North facing (static) panel – 121 Frey's Gin Road)

Staff Review:

As part of its Northwest Corridor Project, the Georgia Department of Transportation (GDOT) will be widening I-75 westward in order to construct elevated, managed lanes. This is resulting in the condemnation of properties, many of which contain legally nonconforming billboards, along the west side of I-75. In this case, the applicant is requesting variances that would allow the billboard to include one 672 square foot digital sign panel – without going through the required panel exchange process.

On October 8, 2014, City Council granted several variances that allowed the billboard to be relocated on the remaining 29,813 square foot parcel of property that is not being acquired by GDOT.

Scott Peters, agent for CBS Outdoor, LLC, is requesting variances to allow a billboard that is to be re-located at 121 Freys Gin Road to have one digital panel - without going through the required panel exchange process - on property is zoned CRC (Community Retail Commercial).

The property is bordered by Wylie Court to the south, I-75 to the east, Freys Gin to the west, and a vacant parcel, also zoned CRC, to the north. The subject property currently contains a metal building as well as a billboard, owned by CBS Outdoor, LLC and permitted under the address 114 Freys Gin Road. The LED panel faces south (northbound traffic) and a static panel facing north (southbound traffic).

GDOT will be condemning the portion of the property upon which the billboard is located, so the sign must be removed from that portion of the property. The variances that were approved last month will allow CBS Outdoor to relocate the billboard on the remainder of the property that is not being acquired by GDOT. The following variances were approved on October 8, 2014:

1. Variance to reduce the front setback for a billboard support structure from 35' to 32.'
2. Variance to reduce the rear setback for a billboard support structure from 35' to 23.'
3. Variance to reduce the front setback for billboard sign faces to 6.'
4. Variance to reduce the rear setback for billboard sign faces to 1.'
5. Variance to locate a billboard within 1,000' of other billboards.
6. Variance to locate a billboard within 500' of a church.

Section 714.04 [G(13.b.1)] states that “*An existing billboard panel may be replaced with a digital panel if no less than four (4) existing billboard panels are removed in their entirety. An existing panel that is to be retrofitted with a digital panel(s) shall not count toward the aforementioned panel to be removed.*” CBS Outdoor has already gone through the process in which four (4) billboard panels were removed in order to have the existing digital panel erected. However, in order for the billboard to be re-located, variances from the regulations would be required to allow a digital panel to be placed – or technically replaced – on the new sign.

The applicant is requesting variances that would allow the relocated billboard to include one 672 square foot digital sign panel.